

FILED
U.S. DISTRICT COURT
MASSACHUSETTS
OFFICE

March 14 P 2:48

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

RALPH J. VOLLMANN }
Plaintiff, } CIVIL ACTION NO. 04-10080 GAO
v. }
ROGER LYNN GRUBB and }
ALLIED SYSTEMS, LTD., }
Defendants. }

ASSENTED TO MOTION FOR LEAVE TO FILE THIRD-PARTY COMPLAINT

Pursuant to Federal Rule of Civil Procedure 14, the defendants in the above-entitled matter hereby respectfully move this Court for permission to file the proposed Third-Party Complaint attached hereto as Exhibit 1 against Showcase Isuzu. As grounds for support of this Motion, the defendants state as follows:

1. Showcase Isuzu is not a party to this action but is, or may be, liable to the defendants for part or all of the plaintiff's claimed damages in this lawsuit.
2. Showcase Isuzu is or may be liable for all or part of the plaintiff's claimed injuries based on its negligence in requesting the manner of delivery and creating conditions or permitting conditions to exist that caused the accident as set forth more fully in the Third-Party Complaint.
3. Permitting the defendants to file the Third-Party Complaint will promote judicial economy by dispensing of the need for a wholly separate lawsuit or action for contribution.

4. There is no trial date set in this matter, discovery is only in the preliminary stages, and the Third-Party Complaint will not unduly delay or complicate trial or discovery.

5. No party will be prejudiced by the granting of this Motion.

6. Counsel for the defendants contacted counsel for the plaintiff and there is no objection to the granting of this Motion.

Based on the above, the defendants respectfully request that Court grant their Motion for Leave to File Third-Party Complaint.

LOCAL RULE 15 CERTIFICATION

Defendant hereby certifies that pursuant to Local Rule 15.1 the defendant has served a copy of this Motion on the proposed third-party defendant at least ten days in advance of filing this Motion along with a document indicating the date on which the Motion will be filed.

DEFENDANTS,
**ROGER LYNN GRUBB AND ALLIED
SYSTEMS, LTD.**

By



N. Kane Bennett
HALLORAN & SAGE, LLP
One Goodwin Square
225 Asylum Street
Hartford, CT 06103
BBO# 636731
(860) 522-6103

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record of each party on March 11, 2005.

Paul Nathan, Esq.
Nathan & Pasquina
159 Derby Street
Salem, MA 01970
(978) 745-4455
BBO#367420



N. Kane Bennett
HALLORAN & SAGE, LLP
BBO# 636731
Attorney for the Defendants

640985.1

- 3 -

One Goodwin Square
225 Asylum Street
Hartford, CT 06103

**HALLORAN
& SAGE LLP**

Phone (860) 522-6103
Fax (860) 548-0006
Juris No. 26105